

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SUPER 8 WORLDWIDE, INC.,

Plaintiff,

V.

VIR CORPORATION, ET AL.,

Defendants.

[illegible]

Civil Action No. 10-2464 (FSH)

ORDER AND REPORT AND RECOMMENDATION

This matter having come before the Court for a hearing on the record on February 7, 2011, regarding the defense counsel's motion to withdraw and the plaintiff's request that the Court issue a report and recommendation to the United States District Judge that, pursuant to Fed. R. Civ. P. 16 and 37, Her Honor strike the defendants' answer, direct the Clerk to enter default, and allow the plaintiff to file a motion for default judgment,

and the defendants having failed to appear at the hearing or submit any response to the motion;

and the defendants being notified of the consequences of their nonappearance;

and the Court having considered the submissions, the representations of counsel, the record of proceedings, and the governing law;

and for the reasons set forth in the Opinion delivered on the record on February 7, 2011;

and for good cause shown,

IT IS ON THIS 7th day of February, 2011

ORDERED that the motion of defense counsel to withdraw [Docket No. 23] is granted;

IT IS FURTHER ORDERED that defense counsel shall: (1) provide the Clerk of the

Court with contact information for each defendant for entry on the docket; (2) serve a copy of this Order by regular mail, certified or overnight mail/return receipt requested, email, and fax (if available); and (3) file a Certificate that reflects the dates and methods of service of this Order and the Orders dated January 11, 2011 and February 3, 2011;

IT IS RECOMMENDED to the United States District Judge that Her Honor, pursuant to Fed. R. Civ. P. 16 and 37, strike the Answer of each defendant, direct the Clerk to enter default, and allow the plaintiff to file a motion for default judgment. **The parties have fourteen days from the receipt of this Order, and Report, and Recommendation to file and served any objections to the Report or Recommendation;**

IT IS FURTHER ORDERED that the deadlines associated with motions for summary judgment and the submission of the joint proposed final pretrial order and Final Pretrial Conference are vacated and will be reimposed if the Report and Recommendation is not adopted; and

IT IS FURTHER ORDERED that all other deadlines and order shall remain in full force and effect.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE